



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

November 15, 1996

Mr. Ron M. Pigott
Assistant General Counsel
Texas Department of Public Safety
Box 4087
Austin, Texas 78773-0001

OR96-2123

Dear Mr. Pigott:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 101785.

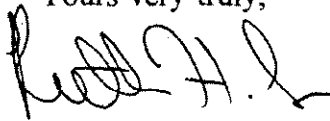
The Texas Department of Public Safety (the "DPS") received a request for "all offense reports, supplemental reports, prosecution reports, statements, affidavits, arrest reports, confessions, drawings, diagrams, photographs, video and/or any other documents, documentation, or materials related" to the investigation of an accident involving an automobile and a motorcycle, which resulted in at least one fatality. You assert that the information requested, except for photographs that were already released, is excepted from disclosure under section 552.108 of the Government Code.¹

Section 552.108 excepts from disclosure "[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime" and "[a]n internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to law enforcement or prosecution." Gov't Code § 552.108; see *Holmes v. Morales*, 924 S.W.2d 920 (Tex. 1996). We note, however, that information normally found on the front page of an offense or arrest report is generally considered public. See generally *Houston Chronicle Publishing Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), writ ref'd n.r.e. per curiam, 536 S.W.2d 559 (Tex. 1976); Open Records Decision No. 127 (1976). We have reviewed the information submitted to this office and agree that it may be withheld from disclosure pursuant to section 552.108.

¹We note that you did not submit an accident report to this office, so we do not address the availability of the accident report.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read 'Ruth H. Soucy', with a stylized flourish at the end.

Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/ch

Ref.: ID# 101785

Enclosures: Submitted document s

cc: Mr. Darrell Joy
1131 Rockingham Drive, Suite 209
Richardson, Texas 75080
(w/o enclosures)